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6 Attorneys for Defendants
7 MAQUET, INC. and KEVIN GILROY

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 CHRISTOPHER MOUER,

11 Plaintiff,

12 vs.

13 MAQUET, INC., a corporation; KEVIN
14 GILROY, an individual; and DOES 1-40,
inclusive,

15 Defendants.

FILED

2013 JAN 22 A 8:26

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No.: 13

MEI
0298

DECLARATION OF MARK SCOTT IN
SUPPORT OF DEFENDANT MAQUET,
INC.'S NOTICE OF REMOVAL

Complaint Files: November 2, 2011

1 I, Mark Scott, declare as follows:

2 1. I make this declaration in support of the Notice of Removal filed by Defendant
3 Maquet, Inc. ("Maquet"). I am employed by Maquet as Human Resources Manager. I have
4 personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and
5 would testify competently to them. In making this declaration, I have reviewed the relevant
6 documents including the personnel files of Plaintiff Christopher Mouer ("Plaintiff").

7 2. Maquet employed Plaintiff from November 12, 2007 through September 19, 2011.
8 His personnel file indicates that, at all times during Plaintiff's employment, he worked at locations in
9 Southern California. His personnel file further indicates that he resided in California throughout his
10 employment with Maquet. His last known address is listed as being in Palm Springs, California.
11 Nothing in Maquet's records indicates that Plaintiff ever resided in Delaware or New Jersey.

12 3. At the time of his termination, Plaintiff was earning \$61,799.94 in base salary, and
13 was also eligible for sales commissions and bonuses. In 2010, the last full year Plaintiff worked,
14 Plaintiff earned \$59,999.94 in salary, and \$135,648.93 in commissions and bonuses. In 2011,
15 Plaintiff was off work for several weeks on a leave of absence. His employment was terminated on
16 or about September 19, 2011. From January 1, 2010 through September 19, 2011, Plaintiff earned
17 \$121,080.31 in base salary and \$160,435.10 in commissions and bonuses.

18 4. Since prior to November 2011 (when Plaintiff filed his complaint) through the
19 present, Maquet has been and currently is a Delaware corporation with its principal place of business
20 in Wayne, New Jersey, located at 45 Barbour Pond Drive, Wayne, New Jersey 07470. Maquet's
21 officers report to work in the Company's headquarters in Wayne, New Jersey. From Wayne,
22 Maquet's officers direct, control, and coordinate the activities of Maquet. The corporate officers
23 resident in the Wayne office include President and CEO U.S. Sales and Service, and V.P of Finance
24 U.S. Sales and Service.

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I hereby declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on January 17, 2013, in Wayne, New Jersey.



Mark D. Scott